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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,357	04/19/2000	FERDINAND JAN ANTON RAADSEN	96.941	9969

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EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 08/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/242,357

Applicant(s)

RAADSEN, FERDINAND JAN
ANTON

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the amendment filed on 6/6/2002, which has been entered in the file. Claims 1 and 2 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hara (US 4,797,542).

Hara teaches a transaction card (1) representing a certain monetary purchasing value which can be exchanged for an optional product or service comprising a card body with an integrated circuit having a memory (74) which can be read out electronically and programmed, storing the monetary value in the memory, in a way compatible with an existing electronic payment system wherein the product or service comprises a reservation for an event (an airline or train trip), in that an amount due for the event is deductible electronically from the monetary value by means of the integrated circuit and in that reservation information may be loaded in the memory (see figures 1, 2, 11, 12, column 1 lines 6-10, column 2 line 38 - column 3 line 2, column 4 lines 20-26, column 8 lines 21-41, and column 10 lines 25-33).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Claus (US 5,461,217).

The teachings of Hara have been discussed above. Hara also teaches the integrated circuit comprising means (connection terminals 5) in order to co-operate by a medium of adequate peripheral equipment (a terminal) (see figures 2 and 11).

Hara fails to teach a second card-shaped body with an electronic memory in which a certain monetary value is loaded in order to debit the value concerned.

Claus teaches a system including a transaction card (consumer smart card 107) having an integrated circuit representing a certain monetary purchasing value which can be exchanged for an optional product or service, the integrated circuit comprising means in order to co-operate by a medium of adequate peripheral equipment (smart card reader network 106) with a second card-shaped body (merchant smart card 105) with an electronic memory in which a certain monetary value is loaded in order to debit the value concerned (see figure 1, column 2 lines 34-57, column 4 line 24 - column 5 line 7).

In view of Claus' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the transaction card as taught by

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Hara, a second card-shaped body with an electronic memory in which a certain monetary value is loaded in order to debit the value concerned, in order to provide secure electronic transactions between consumers and merchants, and in order to allow merchants to take advantage of the benefits of using transaction cards.

Response to Arguments

5. Applicant's arguments filed 6/6/2002 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no teaching or suggestion that the card of Hara represents a certain monetary purchasing value that can be exchanged for an optional product or service and that the money value is stored in the memory so that an amount due for an event is deductible electronically from the memory value by means of an integrated circuit and that reservation information may be loaded into the memory, the monetary purchasing value can be exchanged for an optional product or service in a way compatible with an existing electronic payment system (see pages 6-7 of the amendment filed on 6/6/2002), the card as taught by Hara stores a balance of a bank account in a banking memory area in balance memory 74b (see column 10 lines 20-30, 50-55). This bank account balance, which is stored in the card, represents a certain monetary purchasing value, which can be exchanged for an optional product or service, whether or not the banking transaction is performed at a remote site. For example, the balance stored in the card represents a balance stored at a bank, which can be exchanged for an optional product or service. An amount due for the event is deductible electronically from the memory value, in that withdrawal data is stored in the

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memory, thus, deducting the amount due for the event from the balance stored in the memory, even though the amount due may also be deducted at a remote location.

Hara teaches that reservation data is stored in the reservation memory area in balance memory section 74b (see column 10 lines 25-30). It is noted that applicant's use the open-ended transitional phrase "comprising", which does not preclude additional elements or steps, such as, a banking transaction being performed at a remote side. Thus, the claimed limitations do not define over the teachings of Hara.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the card is entirely autonomous, it can be used without any interaction with an existing bank or credit account, see page 7 of the amendment filed on 6/6/2002) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jjf

Jjf

August 14, 2002


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800